

Central Administrative Tribunal
Principal Bench

O.A. No. 1560 of 1996

New Delhi, dated this the 17th October, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

S/Ms.

1. Rachna Mohan,
D/o Shri Brij Mohan
Teacher (Part Time Vocational Course)
R/o C-3A/98C, Janakpuri, New Delhi-110058.
2. Sharda Dua,
D/o Shri B.K. Dua
R/o B-1012, Saraswati Vihar, Delhi-110034.
3. Pratibha,
W/o Shri Sharad Gupta,
R/o CU-83, Pitampura,
Delhi-110034. Applicants
(None appeared)

Versus

1. Govt. of NCT of Delhi through
the Chief Secretary,
5, Shamnath Marg, Delhi.
2. Directorate of Education through
its Director,
Old Secretariat Building, Delhi.
3. Dy. Director,
Vocational Educational Branch,
Govt. Composite Model Sr. Secondary School,
2nd Floor, Shadi Khampur,
Ranjeet Nagar, New Delhi-110008. Respondents
(By Advocate: Shri Vijay Pandita for R-1 to 3
None for R-4)
4. Central Board of Secondary Education,
through its Secretary,
Shiksha Kendra-2, Community Centre,
Preet Vihar,
Delhi-110092. Respondents

ORDER (Oral)

MR. S.R. ADIGE, VC (A)

Applicants who are Part Time (Vocational) teachers challenge Respondents' orders dated 25.6.96 (Annexure A-1) prescribing qualifications for appointment as PGT (Vocational) and seek regularisation as teachers on the ground that they

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have worked as Part Time teachers for the last three to four years.

2. Arguments had opened on 26.9.2000 and applicants' counsel should have been present today when the case was called out for hearing today. Shri Vijay Pandita appeared for respondents and has been heard.

3. The main ground taken by applicants are that the minimum qualifications prescribed by CBSE for vocational stream shall be PGT in Home Science, but in the impugned advertisement dated 25.6.96 respondents desired that the candidates should be holding only a degree qualification, which it is contended is contrary to the directions of the CBSE.

4. Respondents in their reply have pointed out that the CBSE is an autonomous organisation which conducts Secondary and Senior Secondary examinations, it has no other administrative powers regarding conduct of studies and appointment of teachers and their advice is not binding upon the State Administration. It is emphasised that the prescription of qualifications for recruitment is prerogative of the executive, and Courts are not empowered to interfere unless there is a violation of

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the Constitution as rule framing powers of legislative powers.

5. This specific assertion has not been denied by applicants in any rejoinder filed by them and under the circumstances this ground taken by applicants is rejected.

6. Secondly applicants have asserted that they have put in three to four years as teachers and were selected by duly constituted Selection Board and are more qualified than the minimum qualification prescribed in the circular, but despite these facts respondents are not accepting and considering their application forms.

7. Respondents have correctly pointed out that merely by virtue of ^{not being} Part Time teachers, applicants have no right to adjusted against the vacancies advertised through impugned circular dated 25.6.96 at the cost of other candidates and applicants have also not specifically averred that they had submitted their applications for appointment pursuant to the impugned circular dated 25.6.96 within the prescribed period of time, but despite being eligible in all respects their applications

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were arbitrarily rejected.

8. In the light of the above, we see no reason to interfere in the O.A. which is accordingly dismissed. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S. R. Adige
(S. R. Adige)
Vice Chairman (A)

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